

REMARKS

Claims 59-61, 63, 64, 66-68, 70, 71, 73-75, 77, and 78 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Japanese Patent Publication 62-139465 to Azuma et al. ("Azuma"). Claims 73 and 75 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Japanese Patent Publication P 05-267629 to Shimura ("Shimura"). Claims 62, 65, 69, 76, and 79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Azuma in view of U.S. Patent No. 4,721,473 to DelGuidice et al (DelGuidice).

According to MPEP §2131, "to anticipate a claim, the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In order to expedite an allowance and to reduce issues for consideration, applicants have amended Claim 73 in a minor respect and have cancelled Claims 59-71 without prejudice or disclaimer to clarify distinctions over the relied upon prior art. It is emphasized that the amending of Claim 73 and the cancellation of the noted claims is without prejudice or disclaimer and that applicants expressly reserve the right to pursue claims directed to the subject matter of prior Claim 73 and to the subject matter of the cancelled claims in another application *e.g.*, a continuing application.

Regarding Claim 73, Claim 73 recites in combination with numerous additional elements the elements of an image sensor subassembly including an image sensor mounted on a substantially rigid planar member, and a solderable surface included on the substantially rigid planar member.

Relative to Claim 73, the Examiner has cited JP05-267629 to Shimura et al. (Shimura). However, the Examiner has not alleged that Shimura teaches or suggests the highlighted combination of elements. For example, with reference to the Office action of June 5, 2007, it is noted that the Examiner has alleged that the element corresponding to the substantially rigid planar member recited in Claim 73 is element 11

of Shimura (the "package"). However, the Examiner has not also alleged that element 11 of Shimura also teaches or suggests the inclusion of a solder receiving surface thereon. By contrast, Claim 73 expressly recites elements of an image sensor subassembly including an image sensor mounted on a substantially rigid planar member, and a solderable surface included on the substantially rigid planar member.

If the Examiner wishes to maintain the rejection of Claim 73 over Shimura, the Examiner is respectfully requested to explain where in Shimura there is a teaching or suggestion of including a solderable surface on element 11 of Shimura.

Regarding new Claims 111-127, new Claims 111-127 recite elements not shown or suggested in the relied upon prior art.

Regarding new Claim 111, new Claim 111 recites among numerous additional elements the elements of a pin forming a solder receiving surface, and hole receiving the pin, wherein formed about said hole is a metallic solder receiving surface.

Applicants cannot find any teaching or suggestion of the highlighted combination in the relied upon references. Accordingly, at least for its citation of the noted references, Claim 111 is believed to be allowable over the relied upon prior art.

Regarding new Claim 121, new Claim 121 recites among numerous additional elements the elements of an image sensor subassembly and an optical subassembly wherein said image sensor subassembly and said optical subassembly are configured to be fixedly secured together in a position at which said alignment is achieved; and wherein said alignment is indicated by an electrical signal having a pre-defined characteristic, said electrical signal generated by said image sensor.

Applicants cannot find any teaching or suggestion of the highlighted combination in the relied upon references. Accordingly, at least for its citation of the noted references, Claim 121 is believed to be allowable over the relied upon prior art.

No amendment presented herein contains new matter.

While the applicant herein may have highlighted a particular claim element of a claim for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicants' highlighting of a particular claim element for such purpose should not be taken to indicate that the applicants have taken the position that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present.

Regarding the claims discussed herein, the applicants' selective treatment and emphasis of independent claims of the application should not be taken as an indication that the applicants believe that the Examiner's dependent claim rejections are otherwise sufficient. In fact, it is noted in the June 5, 2007 Office action, that the dependent claims are rejected without substantial, and in certain instances, without any reference to the limitations of the dependent claims in combination with the base claim elements. Applicants expressly reserve the right to present arguments traversing the propriety of the dependent claim rejections later in the prosecution of this or another application.

Accordingly, in view of the above amendments and remarks, the applicants believe all of the claims of the present application to be in condition for allowance and respectfully requests reconsideration and passage to allowance of the application.

If the Examiner believes that contact with the applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call the applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Application No. 09/312,479
Amendmeht dated November 5, 2007
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Respectfully submitted,

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